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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,611	06/20/2005	Laurence Geret	102792-454 (11156P4)	7594
27389	7590	10/03/2006		
NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022				
EXAMINER EL ARINI, ZEINAB				
ART UNIT			PAPER NUMBER	
1746				

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/535,611	Applicant(s) GERET ET AL.	
	Examiner Zeinab E. EL-Arini	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment and remarks filed 7/26/06 have been acknowledged and entered.

Claims 1-5, 7-13, and 15-20 are pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as originally filed, does not provide support for "oxygen source" as is now claimed in claim 5.
3. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for peroxide, does not reasonably provide enablement for oxygen source. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/ or use the invention commensurate in scope with these claims. The specification as originally filed provides support for peroxide, perborate, percarbonate, and hydrogen peroxide, and does not provide support for any "oxygen source", as claimed in claim 5.
4. These rejections stated in paper No. 012406 are maintained.

5. The rejection under 35 U.S.C. second paragraph stated in paper No. 012406 has been withdrawn in view of applicant's amendment.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 95/19132 (WO'132) in combination with WO 02/083829 (WO'829) or Nollet et al. (5,043,089).

WO'132 discloses a process and composition for removing colour stain from plastic material in a dishwashing machine. The reference discloses the composition comprises bleaching agent, peroxide, percarbonate, and perborate, the surfactant, the enzyme, and the builder as claimed. The reference discloses all limitation with the exception of sulphophenyl alkyl carbonate as claimed. See pages 2-4, 6-7, 16, 19, 33, and 39-40.

WO'829 discloses formulation containing sodium p-sulphophenyl octyl carbonate as a bleach activator in a laundry detergent. See the abstract, and the document in general.

Nollet et al. disclose formulation containing sodium p-sulphophenyl octyl carbonate as a bleach activator in a laundry detergent. See the abstract, and the document in general.

It would have been obvious for one skilled in the art to substitute the diacyl peroxide bleaching species of WO'132 with the bleach activator of WO'829 or Nollet et al. to obtain the claimed process, because the bleach activator in all references used to remove colored stain from a substrate. The stained plastics material, could include any material containing plastic components. It is known from the art that some of the textile or garment are made of plastic material.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by WO'829 or Nollet et al.

Both WO'829 and Nollet et al. disclose formulations comprising salt of sulphophenyl alkyl carbonate as claimed. The reference discloses the surfactant, the builder, the peroxide, and the sodium p-sulphophenyl octyl carbonate, and the formulation is in a powder, form as claimed. See the documents in general. Both these formulations are intended for use as laundry detergent.

Response to Arguments

10. Applicant's arguments filed 7/26/06 have been fully considered but they are not persuasive. Applicant argues that both the WO829 and the Nollet references are distinguishable from the present invention in that they are directed to laundry treatment compositions and methods for their use in the treatment of textiles and garments. At the threshold it is contended that a skilled artisan would dismiss out of hand these two documents as being related to different compositions used in different machines, e.g., laundry washing liquors under different conditions to treat different substrates than plastics substrates to be cleaned in an automatic dishwashing machine. Nor, is there any teaching or suggestion in the latter two prior art documents which would provide any motivation, or any expectation of success to a skilled artisan reviewing these documents to have any reason to import the sulphophenylalkylcarbonate type compounds, which are not shown in either WO829 or Nollet to have any beneficial effect on the loosening or removal of difficult-to-remove stains from hard, formed plastic surfaces (plastic wares), or to modify the WO829 or the Nollet laundry compositions for use in an automatic dishwashing machine. Applicant's argument is unpersuasive because the plastic material as claimed could include material made of plastic material, including garment. This is also because the process as claimed does not exclude any stained plastic material.

11. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that

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any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

12. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., loosening or removal of difficult-to-remove stains from hard, formed plastic surfaces (plastic wares)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

13. Applicant's argument with respect to claims 15-20 is unpersuasive, because the amendment as filed includes claims 15-20 as pending claims and not cancelled. The amendment to claims 17 and 20 is non-compliant amendment, because claims 17 and 20 have not been provided with proper status identifier.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zeinab E. EL-Arini
Zeinab E. EL-Arini
Primary Examiner
Art Unit 1746

ZEE
09/26/06